



TOWN OF LOOMIS
ACTION MINUTES
REGULAR MEETING OF
LOOMIS TOWN COUNCIL
LOOMIS TOWN HALL,
6140 HORSESHOE BAR ROAD, SUITE K
LOOMIS, CA 95650

TUESDAY

SEPTEMBER 12, 2006

7:00 P.M.

CLOSED SESSION – Pursuant to cited authority, the Town Council will hold a closed session to discuss the following listed items. A report of any action taken will be presented prior to adjournment of the regular meeting.

a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Subdivision (a) of Section 54956.9:
Bickford Ranch Heritage Coalition v. County of Placer
Placer County Case No. SCV 12793

b. CONFERENCE WITH REAL PROPERTY NEGOTIATOR:

Pursuant to Section 54956.9 of the Government Code
Property: APN 043-014-019 (corporation yard property)
Agency Negotiator: Perry Beck, Town Manager
Under Negotiation: price and terms

c. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision Section 54956.9: Four potential cases

d. CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Section 54957.8 of the Government Code:
Town Attorney

TUESDAY

SEPTEMBER 12, 2006

7:30 P.M.

CALL TO ORDER

Call to order by Mayor pro tempore Millward at 7:43 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Present:

Councilmember Fuson
Councilmember Millward
Councilmember Scherer
Councilmember Ucovich

Absent: Mayor Morillas

STATEMENT OF ACTION TAKEN DURING CLOSED SESSION

- a. No action.
- b. No action.
- c. No action.
- d. No action.

MATTERS OF INTEREST TO COUNCILMEMBERS

Councilmember Scherer stated the following:

- He would like to discuss the General Plan policies at a future meeting
- he came across models that have great standards for commercial development
- he would like copies for the Council and Planning Commission to help promote more creative thought and have this on a future agenda
- concerned with the current proposal to build residential in commercial zoned properties

- the Town needs to take a look at the economic study of the General Plan and see what is said about that issue and have this on the next agenda

Councilmember Ucovich stated the following:

- he would like the Council to look into acquiring the open space around the Hood Development on Brace Road and asked to have this item on a future agenda
- at the League of Cities Conference they talked about working with future development on some kind of specialty to improve sales

All items on the agenda will be open for public comment before final action is taken. Speakers are requested to restrict comments to the item as it appears on the agenda and stay within a five-minute time limit. The Mayor has the discretion of limiting the total discussion time for an item.

Written Material Introduced Into the Record: Citizens wishing to introduce written material into the record at the public hearing on any item are requested to provide a copy of the written material to the Town Clerk prior to the public hearing date so that the material may be distributed to the Town Council prior to the public hearing.

PUBLIC COMMENT: This time is reserved for those in the audience who wish to address the Town Council on subjects that are not on the Agenda. The audience should be aware that the Council may not discuss details or vote on non-agenda items. Your concerns may be referred to staff or placed on the next available agenda. Please **note that comments from the public will also be taken on any item on the agenda. The time allotted to each speaker is five minutes.**

Vic Markey, 6154 South Walnut Street, stated he would like a copy of the commercial plan policies distributed to the Open Space Committee.

Mike Boberg, 5675 Stone Road, stated the following:

- he is interested in having additional parks in Town
- he asked the Council to consider a park site in the Hunter Oaks Subdivision next to the Hunters Crossing Subdivision
- there are a lot of scouts that are always looking for a project for their Eagle Scout and they could always add a project to the tot lot

Madeline Coles, 5470 Brace Road, asked if the Town would add green cans to the refuse pick-up.

Councilmember Fuson noted that Auburn Placer Disposal has offered to bring the Town some quotes on green waste disposal and what it involves.

ADOPTION OF AGENDA

A motion was made to adopt the Agenda, continuing item 14 to October. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

OPPORTUNITY TO COMMENT ON CONSENT CALENDAR: All items listed under the Consent Agenda are considered by the Council to be routine in nature and will be enacted by one motion unless an audience member or Councilmember requests otherwise, in which case, the item will be removed for separate consideration.

A motion was made to adopt the Consent Agenda pulling item 8 forward for discussion. On motion by Councilmember Fuson, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

CONSENT AGENDA

RECOMMENDED ACTION

- | | |
|---|-------------------------|
| 1. Council Minutes – 8/8/06
8/22/06 With Mayor Morillas abstaining | <i>APPROVE</i> |
| 2. Monthly Check Register – August | <i>RECEIVE AND FILE</i> |
| 3. Statement of Activity | <i>RECEIVE AND FILE</i> |
| 4. Treasurer's Report | <i>RECEIVE AND FILE</i> |
| 5. Planning Status Report | <i>RECEIVE AND FILE</i> |
| 6. Select Projects Update | <i>RECEIVE AND FILE</i> |

7. Biennial Review of Conflict of Interest Code to Determine If It Is Accurate or, Alternatively, That the Code Must Be Amended

RECEIVE AND FILE

9. Second Reading of an Ordinance of the Town Council of The Town of Loomis Adding Section 7.20 to the Loomis Municipal Code Dealing With Sexual Offenders

ADOPT ORDINANCE
Ordinance 231

CONSENT ITEMS FORWARDED

8. Contract With Coastland To Provide Back up Building Inspection Services and Authorize Town Manager To Sign Contract

APPROVE

Councilmember Ucovich questioned why the Town wasn't using Wildan for the inspection services.

No public comment.

Perry Beck, Town Manager, pointed out the following:

- Wildan is out of West Sacramento and can still be used for special projects as needed, such as code enforcement
- Coastland is out of Auburn, they offer similar services, and they will do inspections when our inspector goes on vacation, etc.

Following further discussion on the matter, a motion was made to approve the contract with Coastland to provide back up building inspection services and authorize the Town Manager to sign the contract. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

PUBLIC HEARING

10. **Zoning Ordinance Revisions For Processing of New Second Story Homes and Additions**
(Continued from August 8, 2006)

Discuss draft Zoning Ordinance revisions that would provide some criteria and/or discretionary review of second story additions and new two story homes and accessory structures

Recommended action: Review written proposed ordinance and definition of "story," and hold first reading

Public comment:

Jean Wilson, 4301 Barton Road, stated the following:

- asked if a loft does not overlook anyone then should it be considered a story and to what extent makes it a second story
- when this issue came up is was a legitimate concern of invasion of privacy with new two-story subdivisions building next to existing single story homes
- as the ordinance is written it has gone farther then the original intent and applies to all sizes of lots, existing and new
- asked Council to re-consider the ordinance and maybe look at regulating by size of a lot or by distance between houses

Mike Boberg, 6075 Stone Road, stated the following:

- it's hard to buy a house in Loomis
- by limiting the 2 story residents you will be adding more staff time and making it difficult for the residents
- suggested having a criteria with a defined method such as setbacks
- no one will be able to build carriage houses which is part of the Downtown Master Plan
- make it clear so a resident can walk in and just look at a page to see if they meet the requirements

Councilmember Scherer pointed out the following:

- the purpose of this ordinance is to protect the privacy of the existing residence
- if there is intrusion into someone's privacy then there is an issue, if there is no intrusion then there is no issue

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 230, adding provisions to the Zoning Ordinance concerning second stories and with the following revisions:

13.42.265 Residential uses – Second stories

B. The first part of the sentence revised to: "Second stories may be permitted in new residential construction if one would not be able to look from the second story into an area within the side or rear yard"

C. Delete "and C."

D. Delete "or C."

On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

11. **Hazardous Material Stored in Flood Plains**

Discuss revisions to the Municipal Code Chapter 11.08 Flood Damage Prevention to regulate storage of hazardous material in flood plain areas

Recommended action: Review proposed ordinance and hold first reading

Public comment:

No public comment.

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 232, regulating the storage of hazardous material in flood plain areas, with the following revision: deleting the last sentence in Section 1. D. and directing staff to find out what Placer County Environmental Health's threshold limits are for hazardous materials. On motion by Councilmember Scherer, seconded by Councilmember Fuson and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

12. **Revise Planning Commission recommendation times to the Council**

Councilmembers Millward and Scherer asked that the Council consider changes in the Municipal Code concerning the time that the Planning Commission is given to make recommendations on changes to the General Plan, Zoning Code and Municipal Code

Recommended action: Review proposed ordinance and hold first reading

Public comment:

Jean Wilson, Planning Commissioner, stated the following:

- the 40 day rule is a good one
- the Planning Commission has not been aware of an urgency to get recommendations back
- staff gives them the reports when the information and research is complete
- if there are items that the Town Council wants pushed through sooner then the Planning Commission and staff need to know

Greg Obranovich, 3661 Bankhead Road and Planning Commission Chairman, stated the following:

- we have established a wonderful forum, the joint quarterly workshops
- no one is trying to stone wall or drag our feet
- suggested bringing this item to the quarterly workshop for discussion

Perry Beck, Town Manager, pointed out that the last sentence in the current Section 2.36.070 was left out of Section A and should be included to read as follows: "The Planning Commission shall perform such other duties and functions as may be designated by the Town Council."

Following further discussion on the matter, a motion was made to hold first reading of Ordinance 233, Defining Time Lines for Planning Commission Recommendations with the following revisions to Section 2.36.070:

A. Added to the end of the paragraph: "The Planning Commission shall perform such other duties and functions as may be designated by the Town Council."

B. Added to the beginning of the last sentence: "Pursuant to Government Code Section 65853"

On motion by Councilmember Scherer, seconded by Councilmember Millward and passed by the following roll call vote:

Ayes: Fuson, Millward, Scherer, Ucovich

Noes: None

Absent: Morillas

Recess at 9:03 to 9:13 p.m.

12b. **Zoning Ordinance Revisions for Processing of Second Units**

Discuss revising the process for second units

Recommended action: Open public hearing, take testimony and hold first reading for revision of the Zoning Ordinance on procedures for approval of second units

Public comment:

Dave Larsen, Town Attorney, clarified the following:

- State law does not allow the Town to have a discretionary process to approve or disapprove
- The law requires the Town to have a list of criteria
- Noticing the neighbors and having them come to a public hearing for approval is not allowed by State law

Jean Wilson pointed out the following:

- The state law promotes the development of second units and doesn't discourage it
- the Planning Commission was concerned about satisfying the state criteria
- the proposed ordinance that was brought to the Planning Commission was written so that a second unit could not be rented even though the owner lived in the other house

Russ Kelley, 4246 Barton Road, stated the following:

- he has gone through the State Second Unit Law and found at least 10 areas that show we could be out of line
- we can adopt a broader set of standards that would only assist with the state law on second units
- we need to spend more time reading the State law before we bring this back for consideration

Vic Markey, Open Space Committee, stated the following:

- the State code supports rental income
- questioned the enforcement

Following further discussion on the matter, Council directed staff to come back with more information.

BUSINESS

13. Brace Road multi-way stop engineering study revisited

On August 8, 2006 a resident on Brace Road asked Council to reconsider the installation of a four-way stop at the proposed location and requested a stop sign near Diaz Lane

Recommended action: Direct staff

Public comment:

Joe Weyland, Omni Means, expounded on the criteria for the traffic study and stated none of the specific areas warranted a four-way stop sign on Brace road.

Tina Sennet stated the following:

- we have spent a great deal of time on this issue and the decision was made to install a four way stop sign
- in that area more people are moving in and more people are walking
- Dias Lane is more open and doesn't need a stop sign at that intersection
- asked Council to stay with the decision of a four way stop at Howard Lane

Anna Nakashoji stated the following:

- if Howard Lane is going to have a four way stop then there should be one at Dias Lane
- she was on the Traffic Committee years ago and was told that stop signs do not control traffic, that is what law enforcement is for
- she does not support a stop sign at Howard Lane, the Town should go by the traffic study

Mike Boberg, 5675 Stone Road, stated the following:

- he lives next to Brace Road and has witnessed the speeding and motorcycles doing wheelies
- he is in favor of reducing the speed on Brace road but questioned how to do it
- a stop sign at Howard Lane may cause tragic accidents
- he supports having a stop sign at Stone and Brace Road

Randy Howard, 3980 Howard Lane, stated the following:

- when he pulls out onto Brace Road there is a telephone pole in his way
- a stop sign will help that situation and slow down traffic

Madeline Coles stated the following:

- she read an article in a newspaper that a stop sign was put in to slow traffic down
- she supports putting a stop sign in at Howard Lane

Vic Markey pointed out that with the added traffic on Brace Road a stop sign will be a good idea.

Dennis Bartell, 3958 Betty Lane, stated the following:

- he was also on the Traffic and Safety Committee a few years ago and he has the same concerns as Ms. Nakashoji with the stop sign
- the studies didn't recommend a stop sign, law enforcement is a better source
- he does not support the stop sign at Howard Lane

Dave Hood, a developer, stated the following:

- his development has had to do some traffic control with temporary stop signs in that area and it did slow traffic down
- he is in favor of the stop signs

Cheryl Benson noted the following:

- she disagrees with the study that was done
- at least 10 school buses stop there every day
- she supports stop signs at Howard Lane and Dias Lane

Jimmy Lee stated he does not support a stop sign.

Jean Wilson stated the following:

- if a stop sign doesn't go in then the Council should consider a marked crosswalk with warning signs

- if a stop sign does go in she suggested putting warning signs before the stop sign

Officer Bob Brodovsky, Placer County Sheriff's Department, stated the following:

- since the stop sign issue he has increased his enforcement about 400% and issued about 30 tickets a month
- they have zero accidents and he is out there almost every morning by Starlight Lane
- he has used his radar gun at Brace Road and Dias Lane and the speeding is coming from both directions
- stop signs are not supposed to be used for speed enforcement
- he did see a need for a four-way stop at Brace Road and Howard Lane

Following further discussion on the matter, a motion was made to put a four-way stop at Brace Road and Howard Lane and asked staff to come back with a report on the speed at a later date. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

14. **Support Loomis Elementary Bond Measure to Modernize and Improve Facilities**

The Loomis Union School District is requesting Council's support of a District measure on the November 2006 ballot for the purpose of obtaining \$19,500,000 in bonded debt in order to modernize and improve facilities

Recommended action: Discuss and decide if the Town Council wishes to support the School District's bond measure

Public comment:

Continued to October 10, 2006.

15. **House Equity Sharing Program**

Hear presentation from Greg Asher of Mercy Housing on housing equity sharing programs

Recommended action: Discuss and direct staff

Public comment:

Greg Asher, Mercy Housing of California, expounded on equity sharing programs and answered questions.

Vic Markey asked what kind of dwellings can be bought through these programs?

Mr. Asher stated anything on a permanent foundation.

Jean Wilson pointed out that the biggest problem is finding qualified people.

Mike Boberg asked if it was first time buyers only?

Mr. Asher said, no, it was not required.

Following further discussion on the matter, Council directed staff to come back with a recommendation and a request for proposals.

16. **A Memorandum of Understanding with Placer Land Trust**

The Open Space Committee recommends that the Council enter into a Memorandum of Understanding (MOU) with Placer Land Trust in order for the Trust and the Town to cooperate on open space endeavors and to solicit contributions to an open space fund to be held by the Trust

Recommended action: Discuss and decide if the Council wishes to participate in the MOU and if the MOU requires edits

Public comment:

Terri Bernato, Open Space Committee, stated the following:

- asked Council to support this
- it will be good public relations for the Town
- Placer Land Trust has a lot of experience purchasing and maintaining land

Jeff Darlington, Placer Land Trust, stated the following:

- Loomis is the only municipality that has expressed preserving open space
- The MOU is not legally binding but an understanding
- The Loomis Open Space Committee fund raising is a worthy goal

Gary Liss, Open Space Committee, stated support for this.

Following further discussion on the matter, a motion was made to enter into a Memorandum of Understanding with Placer Land Trust and to contribute \$500 to an open space fund. On motion by Councilmember Ucovich, seconded by Councilmember Scherer and passed by voice vote.

17. **Development Adjacent to Sierra College Boulevard between Granite Drive and Brace Road**

Discuss development on the vacant piece of property that is located south of Brace Road, east of Sierra College Boulevard, west of Hunter Glen Subdivision and north of McDonalds

Recommended action: Direct staff

Public comment:

Steve Patterson, 2270 Douglas Boulevard and owner of the property, pointed out that signalizing the intersection on Sierra College Boulevard so there is movement in and out will make his property more viable.

Mike Boberg stated the following:

- the property needs to be developed and the traffic flow figured out
- he supports working with the developer to come up with a plan

Kai Krienke stated the following:

- it's hard to imagine another signal on Sierra College Boulevard, there is already a gridlock
- development is happening faster than the infrastructure
- there needs to be a future plan

Following further discussion on the matter, Council directed staff to approach Rocklin to see how the signal will fit into their interchange and to come back with more information.

18. **Future Agenda Items**

Consider items awaiting schedule on a Council agenda

Recommended action: Receive and file

Public comment:

Continued to October 10, 2006.

COMMITTEE REPORTS

19. Placer County Economic Development Commission – Ucovich
20. Placer County Flood Control/Water Conservation District – Morillas
21. Placer County Transportation Planning Agency – Ucovich
22. Placer County Mosquito Abatement – Ucovich
23. Placer County Air Pollution Control District – Millward/Ucovich
24. Sacramento Area Council of Governments – Fuson/Ucovich

ADJOURNMENT

A motion was made to adjourn at 12:05 a.m. On motion by Councilmember Scherer, seconded by Councilmember Ucovich and passed by voice vote.

Mayor pro tempore